

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

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*Attorneys for Defendant Jackson National Life Insurance Company (Improperly pled as
Reassure America Life Insurance f/k/a CAN Insurance Company)*

ARLENE SHILLING as ADMINISTRATOR ad
PROSEQUENDUM for the ESTATE OF DONALD
SHILLING (Deceased)

Plaintiff,

v.

REASSURE AMERICA LIFE INSURANCE
COMPANY F/K/A/ CAN INSURANCE
COMPANY; ABC CORPORATION (1-100) (a
fictitious name for a presently unknown and
unidentified corporation)

Defendant.

Civil Action No.

NOTICE OF REMOVAL

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY

PLEASE TAKE NOTICE that Defendant, Jackson National Life Insurance Company
("Jackson National") (Improperly pled as Reassure America Life Insurance f/k/a CAN Insurance
Company), hereby removes the above-captioned action from the Superior Court of New Jersey,
Camden County to the United States District Court for the District of New Jersey, pursuant to 28
U.S.C. §§ 1332, 1441 and 1446. Jackson National alleges as follows:

1. Jackson National is the sole named defendant in a Complaint commenced and now
pending in the Superior Court of New Jersey, Camden County entitled "ARLENE

SHILLING as ADMINISTRATOR ad PROSEQUENDUM for the ESTATE OF DONALD SHILLING (Deceased) v. REASSURE AMERICA LIFE INSURANCE COMPANY F/K/A/ CAN INSURANCE COMPANY; ABC CORPORATION (1-100) (a fictitious name for a presently unknown and unidentified corporation)” (hereinafter the “State Court Action”). The State Court Action bears docket number CAM-L-824-13.

2. The Summons for the State Court Action was allegedly served by process server on March 14, 2013. In accordance with 28 U.S.C. § 1446(a), a copy of all process, pleadings and orders that were served upon Jackson National in the State Court Action are attached hereto as **Exhibit 1**, and hereby incorporated into this Notice of Removal.
3. This Notice of Removal is timely in accordance with the requirements of 28 U.S.C. § 1446(b), as it has been filed within thirty (30) days after service of the State Court Action Summons and Complaint.
4. This Court has original jurisdiction over this Action under 28 U.S.C. § 1332 and the State Court Action may be removed to this Court by Jackson National pursuant to 28 U.S.C. § 1441.
5. Diversity jurisdiction pursuant to 28 U.S.C. § 1332 is based upon the action involving a matter in controversy exceeding the “sum or value of \$75,000, exclusive of interest and costs,” and being between “citizens of different States.”
6. Diversity of citizenship, for purposes of 28 U.S.C. § 1332 and 28 U.S.C. § 1441, is established as follows:
 - a. Plaintiff, Arlene Shilling, as Administrator ad Prosequendum for the Estate of Donald Shilling, Deceased, resides at 1401 Springdale Road, Apartment 412, in

the Township of Cherry Hill, County of Camden, New Jersey. (See Introductory Paragraph to State Action Complaint, attached hereto as **Exhibit 1**).

- b. At all relevant times, Defendant, Jackson National, was and is a foreign corporation organized and existing pursuant to the laws of the State of Michigan, with a principal place of business in Lansing, Michigan.
7. The preponderance of the evidence pertaining to the kind and extent of the alleged injuries and damages sought in the Complaint demonstrate that a reasonable reading of the amount in controversy as stated by the Plaintiff in the State Court Action exceeds \$75,000, exclusive of interest and costs, if plaintiff were to establish liability and causation at trial. Specifically, the Complaint:
- a. Contains allegations surrounding the improper administration of a life insurance policy allegedly valued at \$37,000.00. (See, State Action Complaint at ¶6, attached hereto as **Exhibit 1**);
 - b. Contains ad damnum clauses identifying damages generally without specifying an amount, which is consistent with actions in which unliquidated money damages are sought. (See State Action Complaint, attached hereto as **Exhibit 1**); and
 - c. Contains ad damnum clauses seeking punitive damages (See, State Action Complaint attached hereto at **Exhibit 1**).
8. Jackson National thereby asserts that the amount in controversy requirement for diversity jurisdiction is satisfied pursuant to 28 U.S.C. § 1446(c)(2)(A).
9. By reason of the foregoing, this Action may be removed to this Court pursuant to 28 U.S.C. § 1441.

10. Written notice of the filing of this Notice of Removal and a true and complete copy of this Notice of Removal will be served upon Plaintiff's counsel as required by 28 U.S.C. § 1441(d).
11. A true and complete copy of this Notice of Removal will be filed with the Clerk of the Superior Court of New Jersey, Camden County, as required by 28 U.S.C. § 1441(d).
12. Jackson National represents that it has complied with all procedures set forth in 28 U.S.C. § 1446.

WHEREFORE, Jackson National prays that this Action be removed from the Superior Court of New Jersey, Camden County, to the United States District Court for the District of New Jersey, and that the United States District Court for the District of New Jersey issue such orders and process as are necessary to preserve its jurisdiction over this matter.

Date: April 12, 2013

Respectfully submitted,



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Life Insurance Company (Improperly pled
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CAN Insurance Company)*

A copy of this Notice of Removal will be sent to:

David S. Rochman, Esq.
Executive Mews
1930 Route 70 East, Suite G39
Cherry Hill, New Jersey 08003

Clerk
Superior Court of New Jersey
Camden County Justice Center
101 South 5th Street, Suite 670
Camden, New Jersey 08103